Attorney Docket No.: 844-002

**IN THE UNTIED STATES PATENT AND TRADEMARK OFFICE**

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In re application of
Pascazi

Examiner: Congvan Tran

Serial No: 09/902,466

Art unit: 2617

Filed: July 10, 2001

For: SYSTEM AND METHOD FOR CELL PHONE SIGNAL TRANSMISSION VIA THE INTERNET

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**REPLY BRIEF**

**Mail Stop Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

In response to the Examiner's Answer dated February 16, 2010, please enter the following Reply Brief. This Brief meets the requirements of 37 CFR 41.37(c).

**Real Party in Interest (37 CFR 41.37(c)(1)(i))**

The real party in interest is Mr. Michael Pascazi.

**Related Appeals and Interferences (37 CFR 41.37(c)(1)(ii))**

The Appellant is not aware of any related prior or pending appeals or interferences related to this matter.

**Status of Claims (37 CFR 41.37(c)(1)(iii))**

Claims 1-3 and 5-17 are the pending claims in the application and are the claims on appeal.

Claim 4 has been cancelled.

Claims 1-3 and 5-17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Heinonen et al. (U.S. Patent No. 6,816,719) in view of Klindworth (6,771,701).

A copy of the Claims on Appeal is attached hereto in the Appendix of Claims, listing the current status of pending claims 1-3 and 5-17 as well as the status of now cancelled claim 4.

**Status of Amendments (37 CFR 41.37(c)(1)(iv))**

This application was originally filed on July 10, 2001 with 16 claims. An Office Action was issued on May 3, 2005, rejecting claims 1-3, 8, 9, 12, and 14 under 35 U.S.C. Sec. 102 as being anticipated by Anderson et al. (U.S. Patent NO. 6,693,894). The Examiner also rejected claims 4, 5, 10, 11, and 13 under 35 U.S.C. Sec. 103(a) as being unpatentable over Anderson in view of Albal (U.S. Patent No. 6,668,046). The Examiner also rejected claims 6-7 and 15-16 under 35 U.S.C. Sec. 103(a) as being unpatentable over Anderson in view of Lee et al. (U.S. Patent No. 6,847,632).

On November 7, 2005 an Amendment was filed amending claim 1 and canceling claim 4, and presenting arguments over the Anderson reference.

On December 22, 2005, the Examiner replied by issuing a second Office Action again rejecting independent claims 1 and 14 over Anderson, further in view of the newly cited Song (U.S. Patent No. 6,694,019).

On June 26, 2006, Appellants filed an Amendment adding new independent claim 17 and arguing over the new rejection of Anderson and Song. On August 18, 2006, the Third Office Action was issued rejecting independent claims 1, 14 and 17 over a newly cited reference Anandakumar (U.S. Patent No. 6,574,213).

On February 23, 2007 an Amendment was submitted (ultimately entered by way of petition on June 14, 2007) presenting new arguments against the Anandakumar reference. The Examiner issued a fourth action on September 10, 2008 now rejecting independent claims 1, 14 and 17 over a third separate set of references, namely Heinonen et al (U.S. Patent No. 6,816,719) in view of Klindworth et al. (U.S. Patent No.

6,771,701). A response, without amendment, was submitted on February 12, 2009 arguing over the two newly cited references. The Examiner issued a fifth Office Action on May 1, 2009, against which the present appeal has been filed.

**Summary of Claimed Subject Matter (37 CFR 41.37(c)(1)(v))**

The following is a concise explanation of independent claims 1, 14 and 17 on appeal, indicating the corresponding portions of the specification that support these elements.

Claim 1 recites a telephone system for transmitting telephone signals between first and second mobile stations. A first internet protocol interface is configured to receive an incoming cell phone signal generated by the first mobile station, and to transmit the phone signal to the internet. See element 16 and paragraph [0016]

A second internet protocol interface is configured to receive the phone signal sent through the internet by the first internet protocol interface and to transmit the phone signal to the second mobile station, such that users of the first and second mobile stations can engage in a conversation where said phone signals are communicated over substantial distances through the internet. See element 18 and paragraphs [0005] and [0016]

The first and second internet protocol interfaces each maintain an echo canceller/equalizer module configured to correct distortions in the phone signal caused by the travel of the phone signal through free air, server delays and internet delays. See elements 54 and 54` in paragraphs [0021], [0027], [0034], [0038].

Independent claim 17, among the features cited above with respect to claim 1, further recites the features that the phone signal is transmitted to and from the first and second internet protocol interface by means of a first and second cell tower equipped with an additional echo canceller/equalizer configured to correct distortions in the phone

signal caused by the travel of the phone signal through the free air. See elements 48 and 48' and paragraphs [0018] and [0022].

Claim 14 recites a telephonic method of transmitting cell phone signals between first and second mobile stations on a telephone system having first and second internet protocol interfaces and first and second cell towers. The method includes generating a cell phone signal at a first mobile station and receiving the cell phone signal by the first cell tower and communicated to the first internet protocol interface. See element 16 and paragraph [0016]

Echo cancellation is conducted in the first internet protocol interface on the cell phone call to correct distortions in the phone signal caused by the travel of the phone signal through free air, server delays and internet delays. The cell phone signal is transmitted by the first internet protocol database into the internet. See steps 108-112 and paragraphs [0035] and [0036].

The cell phone signal is received by the second internet protocol interface, which conducts echo cancellation on the cell phone call to correct distortions in the phone signal caused by the travel of the phone signal through free air, server delays and internet delays, and delivered to the second cell tower. See steps 128-138 in paragraphs [0038]. The cell phone signal is received at the second mobile station, such that the first and second mobile station are in communication with each other. See paragraph [0005].

**Grounds of Rejection to be Reviewed on Appeal (37 CFR 41.37(c)(1)(vi))**

The only issue on appeal is the rejection of the claims, including independent claims 1, 14 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Heinonen et al. (U.S. Patent No. 6,816,719) in view of Klindworth et al. (U.S. Patent No. 6,771,701)

Appellant respectfully disagrees with this contention and intends to demonstrate to the Board that the cited references do not teach or suggest all of the elements of the present invention as claimed in independent claims 1, 14 and 17, nor is there any suggestion or motivation to combine the references with one another as suggested by the Examiner.

**Argument (37 CFR 41.37(c)(1)(vii))**

Appellant respectfully submits that the position of Appellant was presented in the Appeal Brief (Corrected Appeal Brief) submitted on December 21, 2009. In response the Examiner has issued an Examiner's Answer dated February 16, 2010. This Reply Brief is submitted by Appellant to address certain arguments of the Examiner, contained in the Examiner's Answer as set forth in detail below.

Appellant respectfully submits that upon review of the Examiner's Answer, It appears that the Examiner mis-apprehends Appellant's assertion concerning the Heinonen reference, and the importance of "live" or real time voice transmission. See Examiner's Answer at pg. 5 section 10.

Appellant respectfully submits that the Heinonen reference does not expressly relate to the transmission of real time voice information, such as a cellular telephone conversation, but rather "profile information" or stored data. See for example, Heinonen at col. 2, lines 46-64; col. 2 line 64; and col. 3 lines 1-5.

Moreover, even if the Examiner determines that the Heinonen reference does indeed relate to the transmission of real time voice information, then, the delays associated with Heinonen's system, i.e. fractions of a second, which have no effect upon the integrity of profile or stored information, would render the real time voice information unintelligible. In other words, the echo would be so long that the conversation would be incomprehensible.

Additionally, given that delay does not affect the integrity of stored or profile

information, but does impact real time voice communications, there would be no impetus to combine Heinonen with Kindworth, by individuals skilled in the art. The combination which the Examiner claims is not obvious and is in fact detrimental to the performance of a real time voice communication.

For these reasons, and further to the arguments presented in the original December 21, 2009 Appeal Brief, Appellant requests that Board reverse the rejections of the Examiner.

**Claims Appendix (37 CFR 41.37(c)(1)(viii))**

1. (previously presented) A telephone system for transmitting telephone signals between first and second mobile stations, said system comprising:

a first internet protocol interface configured to receive an incoming cell phone signal generated by the first mobile station, and to transmit said phone signal to the internet; and

a second internet protocol interface configured to receive said phone signal sent through the internet by said first internet protocol interface and to transmit said phone signal to the second mobile station, such that users of the first and second mobile stations can engage in a conversation where said phone signals are communicated over substantial distances through the internet, wherein said first and second internet protocol interfaces each maintain an echo canceller/equalizer module configured to correct distortions in said phone signal caused by the travel of said phone signal through free air, server delays and internet delays.

2. (original) A telephone system as claimed in claim 1, wherein said first internet protocol interface is further comprised of a first address reader module configured to read the phone number of the destination second mobile station entered by the user the first mobile station.

3. (original) A telephone system as claimed in claim 2, wherein said first internet protocol interface is further comprised of a first software controller module

configured to process the address information for the second mobile station provided as provided by said first address reader module.

4. (cancelled)

5. (previously presented) A telephone system as claimed in claim 1, wherein said first internet protocol interface is further comprised of a first analog/digital converter configured to convert a voice portion of said phone signal into digital format.

6. (original) A telephone system as claimed in claim 1, wherein said first internet protocol interface is further comprised of a internet protocol converter module configured to embed said phone signal into a packetized digital data stream for transmission through the internet.

7. (original) A telephone system as claimed in claim 6, wherein said second internet protocol interface is further comprised of a internet protocol de-converter module configured to remove said phone signal from said packetized digital data stream.

8. (original) A telephone system as claimed in claim 1, wherein said second internet protocol interface is further comprised of a second software controller module configured to process address information of the second mobile station provided by the user of the first mobile station.

9. (original) A telephone system as claimed in claim 8, wherein said second internet protocol interface is further comprised of a second address reader module configured to read said address information provided by said second software controller so as to direct said cell phone signal through the public switched telephone network to the second mobile station.

10. (original) A telephone system as claimed in claim 1, wherein said second internet protocol interface is further comprised of a second digital/analog converter, configured to convert the voice portion of said phone signal in to analog format.

11. (original) A telephone system as claimed in claim 10, wherein said second internet protocol interface is further comprised of a second echo canceller/equalizer module configured to correct distortions in said phone signal caused by the travel of said phone signal through the internet.

12. (original) A telephone system as claimed in claim 1, wherein the first and second mobile stations are cell phones.

13. (original) A telephone system as claimed in claim 1, wherein said phone signal can be transmitted from said first internet protocol interface to said second internet protocol interface via a private packet switched network.

14. (previously presented) A telephonic method of transmitting cell phone signals between first and second mobile stations on a telephone system, said system having first and second internet protocol interfaces and first and second cell towers, said method comprising the steps of;

generating a cell phone signal at a first mobile station;

receiving said cell phone signal by the first cell tower and communicated to the first internet protocol interface;

conducting echo cancellation in said first internet protocol interface on said cell phone call to correct distortions in said phone signal caused by the travel of said phone signal through free air, server delays and internet delays;

transmitting said cell phone signal by the first internet protocol database into the internet;

receiving said cell phone signal by the second internet protocol interface, conducting echo cancellation in said first internet protocol interface on said cell phone call to correct distortions in said phone signal caused by the travel of said phone signal through free air, server delays and internet delays, and delivered to the second cell tower; and

receiving said cell phone signal at the second mobile, such that the first and second mobile station are in communication with each other.

15. (original) The telephone method as claimed in 14, further comprising the step of embedding said phone signal into a packetized digital data stream before the first internet protocol interface transmits said phone signal into the internet.

16. (original) The telephone method as claimed in 15, further comprising the step of recovering said embedded phone signal from said packetized digital data stream after said phone signal is received by the second internet protocol interface.

17. (previously presented) A telephone system for transmitting telephone signals between first and second mobile stations, said system comprising:

a first internet protocol interface configured to receive an incoming cell phone signal generated by the first mobile station, and to transmit said phone signal to the internet; and

a second internet protocol interface configured to receive said phone signal sent through the internet by said first internet protocol interface and to transmit said phone signal to the second mobile station, such that users of the first and second mobile stations can engage in a conversation where said phone signals are communicated over substantial distances through the internet,

wherein said first and second internet protocol interfaces each maintain an echo canceller/equalizer module configured to correct distortions in said phone signal caused by server and internet delays, and

said phone signal is transmitted to and from said first and second internet protocol interface by means of a first and second cell tower equipped with an additional echo canceller/equalizer configured to correct distortions in said phone signal caused by the travel of said phone signal through the free air.

**Evidence Appendix (37 CFR 41.37(c)(1)(ix))**

There is no additional material for this section.

**Related Proceedings Appendix (37 CFR 41.37(c)(1)(x))**

There is no additional material for this section

In view of the forgoing, Appellant respectfully submits that the present invention as claimed is now in condition for allowance, and requests that the Patent Board of Appeals reverses the rejections of the Examiner and remands it to him for further prosecution as requested by Appellant.

Respectfully submitted

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